



Members Code of Conduct

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CONTENTS

	Page
1. Introduction	3
2. Definitions	3
3. Purpose of Code of Conduct	4
4. General Principles	4
5. Application	5
6. Standards of Councillor Conduct	5
7. General Conduct	5
8. Disrepute	8
9. Use of Position	9
10. Use of Resources	9
11. Complying with the Code of Conduct	10
12. Interests	10
13. Gifts and Hospitality	11

APPENDIX A

The Seven Principles of Public Life	12
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APPENDIX B

Registering Interests	13
PROTOCOL ON MEMBER/OFFICER RELATIONS	18
PROTOCOL FOR MEMBERS ON HOSPITALITY AND GIFTS	22
TEMPLATE FOR REGISTRATION OF GIFTS/HOSPITALITY	27

CODE OF CONDUCT FOR MEMBERS

1. INTRODUCTIONS

1.1 All councils are required to have a local Councillor Code of Conduct. Newark Town Council has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its Members and Co-Opted Members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting, as a representative of the Council.

1.2 The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that councillors can be held accountable, and all adopt the behaviours and responsibilities associated with the role. **Conduct of individual councillors affect the reputation of the Council as a whole.**

1.3 Councillors represent local residents, work to develop better services and deliver local change. The public have high expectations of councillors to take decisions fairly, openly and transparently. Councillors have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct and by challenging behaviour which falls below expectations.

1.4 Importantly, councillors should be able to undertake their role without being intimidated, abused, bullied or threatened by anyone, including the general public.

1.5 This Code is designed to protect the democratic role of councillors, encourage good conduct and safeguard the public's trust in local government, it is based on the principles of **selflessness, integrity, objectivity, accountability, openness, honesty and leadership** ("The Nolan Principles").

2. DEFINITIONS

2.1 For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of the Authority. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the Authority but who:

- a) is a member of any committee or sub-committee of the Authority, or.
- b) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

3. PURPOSE OF CODE OF CONDUCT

3.1 The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.

4. GENERAL PRINCIPLES

4.1 Everyone in public office at all levels, all who serve the public or deliver public services, should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

4.2 Building on these principles, the following general principles have been developed specifically for the role of councillor.

4.3 In accordance with the public trust placed in you, on all occasions you **MUST**:

- act with integrity and honesty.
- act lawfully.
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of councillor.

4.4 In undertaking your role you **SHOULD**:

- impartially exercise your responsibilities in the interests of the local community.
- exercise your independent judgement, taking decisions for good and substantial reasons.
- not improperly seek to confer an advantage, or disadvantage, on any person.
- avoid conflicts of interest.
- exercise reasonable care and diligence.
- ensure that public resources are used prudently in accordance with the Council's requirements and in the public interest; and ensure that the authority acts within the law.

5. APPLICATION OF CODE OF CONDUCT

5.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

5.2 This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.
- The Code applies to all forms of communication and interaction, including:
 - at face-to-face meetings
 - at online or telephone meetings

6. STANDARDS OF COUNCILLOR CONDUCT

6.1 This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

6.2 Guidance is included to help explain the reasons for the obligations and how they should be followed.

7. GENERAL CONDUCT

1. Respect

As a Councillor you should:

1.1 treat other councillors and members of the public with respect.

1.2 treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority, with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. **Debate and having different views are all part of a healthy democracy.** As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct.

2. Bullying, Harassment and Discrimination

As a councillor you should:

- 2.1 not bully any person.
- 2.2 not harass any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment,

marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of Officers of the Council

As a councillor you should:

3.1 not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority. Officers work for the local authority as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and Access to Information

As a councillor you should:

4.1 not disclose information:

- a. given to you in confidence by anyone
- b. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. you have received the consent of a person authorised to give it.
 - ii. you are required by law to do so.
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - 1. reasonable and in the public interest; and

2. made in good faith and in compliance with the reasonable requirements of the local authority; and
3. you have consulted the Monitoring Officer prior to its release.

4.2 not improperly use knowledge gained solely as a result of your role as a councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.

4.3 not prevent anyone from getting information that they are entitled to by law. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

8. DISREPUTE

As a councillor you should:

5.1 not bring your role or the local authority into disrepute. As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

9. USE OF POSITION

As a councillor you should:

6.1 not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else. Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

10. USE OF RESOURCES.

As a Councillor you should:

7.1 not misuse council resources.

7.2 when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which you have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's policies regarding their use.

11. COMPLYING WITH THE CODE OF CONDUCT

As a councillor you should:

8.1 undertake Code of Conduct training provided by the Council.

8.2 cooperate with any Code of Conduct investigation and/or determination.

8.3 not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

12. INTERESTS

As a councillor you should:

9.1 register and disclose your interests. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011. Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

13. GIFTS AND HOSPITALITY

As a councillor you should:

10.1 not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may

apply to the local authority for any permission, licence or other significant advantage.

10.2 In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness, in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the Monitoring Officer or Town Clerk for guidance.

10.3 register with the Town Clerk any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

10.4 register with the Town Clerk any significant gift or hospitality that you have been offered but have refused to accept.

APPENDICES

APPENDIX A

The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

APPENDIX B

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

“Disclosable pecuniary interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as spouse, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register. Nonparticipation in case of disclosable pecuniary interest
4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must make a verbal declaration of the existence and nature of the interest at or before the consideration of the item of business. You must not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest,’ you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be

granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests (Personal Interests)

5. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business as soon as the interest becomes apparent. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which affects:

- a. your own financial interest or well-being.
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in Table 1 you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

8. Where a matter affects your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and.

b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject Description

Employment, office, trade, profession, or vocation

Any employment, office, trade, profession, or vocation executed for profit or gain. [Any unpaid directorship.]

Sponsorship

Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in conducting his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council

(a) under which goods or services are to be provided or works are to be executed and

(b) which has not been fully discharged. Land and Property Any beneficial interest in land which is within the area of the council.

‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

Licenses

Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

Corporate Tenancies

Any tenancy where (to the councillor’s knowledge):

(a) the landlord is the council; and

(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of. Securities Any beneficial interest in securities* of a body where:

(i.) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and

(ii.) either: (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships.
- b) anybody of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) anybody directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

PROTOCOL ON MEMBER/OFFICER RELATIONS

Introduction

1.1 The purpose of this protocol is to guide Councillors and officers of the Council in their relationships with one another. The third report on the Committee on “Standards in Public Life,” chaired by Lord Nolan, recommended that “Every local authority should have its own written statement or protocol governing relations between members and officers” (Rec 20).

1.2 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which can arise. In some instances, the protocol may not refer to particular situations or be sufficient to resolve a particular situation and this should be dealt with under Section 7.0 “Unresolved Issues.” However, it is hoped that the general approach detailed in the protocol will serve as a guide to dealing with those issues. It is hoped however that the approach which it adopts to these issues will serve as a guide dealing with any issues not specifically referred to.

1.3 This protocol is to a large extent no more than a written down statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. If the advice is followed it should also ensure that Councillors receive objective and impartial advice, and that Councillors and Officers are protected from accusations of bias and any undue influence.

1.4 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Councillors and Officers. The shared object of these Codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand remarkably high standards of personal conduct.

1.5 Councillors and Officers have distinct roles with the Council. Councillors are responsible to the electorate and serve only so long as their term of office lasts, Officers are responsible to the Council. Their job is to give advice to Councillors and the Council and to conduct the Council’s work under the direction and control of the Council and its Committees. Mutual respect between Councillors and Officers, both personally and for the roles which each perform, is essential to good local government. It is important that in all dealings between Councillors and Officers that both should observe reasonable and consistent standards of courtesy and that neither party should seek to take advantage of their position.

1.6 In the Code of Conduct for Members adopted by the Council it is provided that Members have a general obligation “to treat others with respect and not to

do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf, the authority.”

1.7 A breach of this protocol by a Councillor may constitute a code of conduct breach.

1.8 A breach of this protocol by an Officer may constitute a disciplinary offence and could result in dismissal.

2 Officer Advice to Party Groups

2.1 The support provided by such Officers can take many forms, ranging from a briefing meeting with a chair or spokesperson prior to a committee meeting, to a presentation to a full party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group (if any) is for the time being in control of the Council, such support is available to all party groups.

2.2 Certain points must however be clearly understood by all those participating in this type of process, Councillors and Officers alike. In particular: -

- (a) Officer support in these circumstances must not extend beyond providing information and objective advice in relation to matters of Council business.

Officers must not be involved in advising on matters of party business.

- (b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

- (c) similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot function as a substitute for providing all necessary information and advice

to the relevant Council decision making body when the matter in questions is considered.

3.0 Officer/Councillor Relationships

3.1 It is important that there should be close working relationships between Councillors and Officers in certain instances, for example between the chair of a committee or sub- committee and the relevant Manager or statutory officer. It is clearly undesirable, however, that such relationships should be allowed to become so close or appear to be so close as to bring into question the Officer's ability to deal impartially with other Councillors and other parties.

3.2 Close personal familiarity between Officers and individual Councillors can damage the relationship and prove embarrassing to other Councillors and Officers. It is not enough to avoid actual impropriety. Councillors and Officers should at all times avoid occasion for suspicion and any appearance of improper conduct.

3.3 Whilst paragraphs 3.1 and 3.2 state or infer that close personal familiarity between individual Councillors and Officers should be avoided this is not an absolute bar an Officers having a close personal relationship with Councillors.

"Relationship" for these purposes includes any family business or close personal relationships. The Council recognises that there may be social or personal relationships between Councillors and Officers which commenced before or after a Councillor is elected to the Council or before or after an Officer became appointed by the Council. Irrespective of when the relationship commenced the effect on the operation of the Council of such relationships will of course depend upon the roles and responsibilities of the Member and Officer involved.

3.4 Where however a close personal relationship exists the Councillor concerned should disclose this to his/her group leader and the Chief Executive and the Officer to the Chief Executive. Where it is considered that such relationships are capable of causing a conflict of interest the Chief Executive will

arrange for such relationships to be entered as declarations in the Register of Member and Officer Interests, respectively. In order to maintain the integrity of the individuals concerned and the Council such relationships should never be hidden. To do so can lead to suspicion and mistrust.

3.5 Where a close personal relationship is disclosed and registered then: -

(a) group leaders and Chief Officers will endeavour as far as possible to ensure that neither the Councillor nor the Officer are placed in a position where such relationships between Councillor and Officer could be seen to conflict with other provisions of this protocol.

(b) the Councillor and the Officer will also endeavour as far as possible to ensure that they do not place themselves in a position where their relationship could be seen to conflict with other provisions of this protocol; and

(c) specifically, Councillors must not sit on or participate in decisions by any Council committee or other body which directly affects an Officer with whom they have such a relationship.

4. Undue Pressure

4.1 In their dealings with Chief Officers and Officers (especially junior officers) Councillors need to be aware that it is easy for Officers to be overawed and feel at a disadvantage. Such feelings can be intensified where Councillors hold official and office.

4.2 A Councillor should not apply undue pressure on an Officer either to do anything that he/she is not empowered to do or to undertake work outside normal duties or normal hours or to allow or aid the Councillor to do something which the Councillor is not authorised to do. Particular care needs to be taken in connection with the use of Council property and services.

4.3 Similarly, an Officer must neither seek to use undue influence on an individual Councillor to make a decision in their favour nor raise personal matters to do with their job nor make claims or allegations about other staff.

Newark Town Council has formal procedures for consultation Whistleblowing, along with Grievance and Discipline. As an exception to this provision an employee may raise issues (other than those relating to the employee's employment with the Council) relating to Council business where the Councillor is the local ward Councillor of the employee concerned.

4.4 Whilst the chair of a committee or subcommittee will routinely be consulted as part of the process for drawing up the agenda for a forthcoming meeting it must be recognised that in many situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any reports submitted in his or her name. Any issues which cannot be resolved as the result of discussion/negotiation between the Chair and an Officer in this area should be referred to the Town Clerk for resolution. Where individual Councillors wish to place an item on an agenda they should notify the appropriate meeting Chair or Town Clerk and comply with the timetable set out in the Council's Rules.

5. Correspondence

5.1 Correspondence between an individual Councillor and an Officer should not normally be copied by the Officer to any other Councillor. Where it is necessary to copy the correspondence to another Councillor this should be made clear to the original Councillor.

5.2 Official letters or electronic communications on behalf of the Council should normally be sent out in the name of the appropriate Officer rather than in the name of a Councillor. Letters which for example create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.

6. Venue of Meetings

6.1 Normally, meetings between Officers and Elected Members whilst acting in their official capacity should not take place in the home or business premises of

the Elected Member or in a venue that the Officer otherwise considers to be inappropriate.

6.2 Where such a meeting does take place in the home or business premises of the Elected Member, the Officer shall notify the Town Clerk or the relevant Senior Officer of the date and time of the meeting and shall provide a summary of the issues discussed.

7. Unresolved Issues

7.1 Any breaches of this protocol or any issues remaining unresolved after consideration of the application of the protocol or any issues arising in respect of its interpretation shall be referred to the Leader of the Council and Town Clerk for resolution who, if they consider further action is required, shall refer the matter to the Monitoring Officer for determination. In the case of an Officer, the Disciplinary Policy will be implemented.

PROTOCOL FOR MEMBERS ON HOSPITALITY AND GIFTS

1. Introduction

1.1 This guidance is supplementary to the requirements of the Code of Conduct. The Code governs the ethical standards required of members. Specifically, it seeks to ensure that the public role of members is not prejudiced by inappropriate behaviour or association. Members may be offered gifts or hospitality, and it is important that such offers are considered critically. This guidance is intended to assist in determining how to respond to such offers.

2. Principles

2.1 People or bodies may have ongoing contractual relationships with the Council. Equally, people or bodies may need planning permission or other consent from the Council to conduct their affairs. They could seek to secure a sympathetic response from Council Members by the making of gifts. Equally whether or not the intention to secure an advantage is present, an outsider might suspect that an improper advantage is being sought from a member. It is

essential that members should give critical consideration to the offer of gifts or hospitality in that light.

2.2 There are few hard and fast rules governing the acceptance of gifts and hospitality. Clearly if the offer is corrupt, there are criminal implications. Moreover, the Code of Conduct requires any member receiving any gift or hospitality over the value of £25 in his or her capacity as a member to notify the Monitoring Officer of the existence and nature of that gift or hospitality within twenty-eight days of receiving it. Details are entered in a register maintained by the Monitoring Officer, which is open to public inspection.

2.3 Members are personally responsible for all decisions connected with the acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in the authority.

2.4 Members should therefore treat all offers of gifts or hospitality with caution, with a view to not only avoiding impropriety but also any suggestion of impropriety. Members should give the same consideration to offers made to members of their family or friends, which could be viewed as securing an indirect benefit to themselves.

2.5 Although all offers should be treated with caution, there will be occasions where not to accept reasonable gifts or hospitality would prejudice the regular conduct of the Council's business or give offence to persons or bodies of significance to the Council. This is most obviously seen in the context of overseas civic twinning arrangements and similar events where courtesies demand the exchange of reasonable gifts and hospitality and where special arrangements (detailed later) are in place. Equally, it is reasonable to expect business meetings to be accompanied by modest refreshment should the nature and duration of the meeting demand it. An example would be the provision of a working lunch.

2.6 It is important that the offer and receipt of gifts and hospitality takes place in an open manner. Such openness will serve to remove suspicion and provide accountability. It will also deter the making of inappropriate offers.

3. General Guidance

3.1 Whether to accept the offer of a gift or hospitality should be considered in the light of the above principles and the guidance issued pursuant to the Bribery Act 2010.

3.2 Members should never accept a gift or hospitality as an inducement or reward for taking any particular action or for refraining from taking any particular course of action.

3.3 Members should never accept a gift or hospitality if acceptance may be open to misinterpretation.

3.4 Members should never solicit a gift or hospitality in an individual capacity (however this shall not prevent them from seeking grants, sponsorship, or other benefits on behalf of the district or the community of their ward area).

3.5 Receiving civic hospitality provided by another public authority is acceptable.

3.6 Receiving tickets for sporting, cultural and entertainment events sponsored by the authority would normally be acceptable but will be dependent on the precise nature of the event and the value of the ticket.

3.7 Members should declare the receipt of all significant offers of gifts and hospitality to the Monitoring Officer whether or not the offer has been accepted (for the avoidance of doubt, this does not require the declaration of modest gifts of no significant value such as a diary or calendar or modest refreshments such as tea, coffee and biscuits or a working lunch) but will include offers of gifts and hospitality such as bottles of wine, even where the value is substantially below the £25 limit set out in the Code. The

3.8 Members should be particularly alert to any relationship that the person making the offer has to the Council, i.e. whether they have a contractual relationship with the Council or whether they are likely to require a favourable decision from the Council, e.g. a planning permission, a contract, or a licence.

3.9 It is acceptable to receive modest gifts on significant occasions, e.g. at Christmas where not to do so would show a lack of courtesy. An example of such a gift might be a diary or a calendar. Receipt of gifts such as a bottle of wine etc would not normally be acceptable but may, in exceptional circumstances, be dealt with under paragraph 5 “Special Arrangements”.

3.10 Accepting modest refreshment such as a working lunch, or hospitality provided as part of an official opening ceremony or similar event would be acceptable.

3.11 It is the responsibility of each individual member to decide whether to accept offers of gifts and hospitality. If in doubt, advice should be sought from the Town Clerk. In exercising their judgement Members should have regard both to the particular circumstances and as to whether a member of the public, with knowledge of the relevant facts, would reasonably consider its acceptance to be appropriate.

3.12 An important criterion in exercising judgement as to what is acceptable is what interpretation those in the community or the press might reasonably put upon acceptance having full knowledge of the relevant facts.

3.13 Repeated offers of gifts or hospitality from one person, firm or organisation may render unacceptable what would otherwise have been acceptable.

3.14 Particular care should be taken where a member has any involvement in making a decision for placement of a contract or for any decision carrying value for the person or organisation offering the gift or hospitality (for example, the granting of planning permission).

4. Civic Gifts and Hospitality

4.1 It is the responsibility of the Town Clerk to ensure that hospitality for civic events is proportionate to the occasion. A guiding principle in accepting or offering hospitality is whether it is reasonable to expect the hospitality to be reciprocated at a similar level.

4.2 The presumption is that any gifts given to the Chair or Vice-Chair are gifts to the office of the Chair and so belong to the Council. The Town Clerk is the final arbiter of whether such gifts belong to the Council or to the individual occupying the office of Chair. In exercising such judgement, the Town Clerk shall have particular regard as to whether the gifts were given to the office holder in a personal or in an official capacity and the value of such gifts.

4.3 The Town Clerk will maintain a record of all gifts to the office of Chair. All gifts in excess of a value of £25 will be declared to the Monitoring Officer for entry in the register.

4.4 For the avoidance of doubt, the above provisions shall not apply to any gifts donated for the purpose of any raffle or similar fund-raising events organised by the Chair for the purposes of the Chair's charity.

5. Special Arrangements

5.1 If a Member receives a gift where the donor is unknown, where it is impracticable to return the gift to the person or organisation making the gift, or where the Member reasonably considers that to return it would cause undue offence, in circumstances where it would otherwise be inappropriate to accept the gift, the Member should deal with the gift in accordance with the procedure set out below.

5.2 The Member must, as soon as practicable after receipt of the gift pass it to the Town Clerk to be donated to the Chair's Charity. The Town Clerk shall write to the person or organisation making the gift, if known, thanking them on behalf of the Member for the gift and informing them that it has been donated to the Chair's Charity Fund.

SOCIAL MEDIA PROTOCOL FOR MEMBERS

1. Purpose of this Protocol

1.1 The Council welcomes Members' use of social media and would like to support this by giving guidance so that Members have greater clarity as to what is and is not acceptable usage of social media. This protocol is intended to provide such guidance and complements the general rules under the Code of Conduct for Members.

2. What is Social Media?

2.1 social media is the term to describe websites and online tools which allow people to interact with each other. This could, for example, be blogs, and postings on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Snap-chat, Instagram etc.

2.2 On many social media sites users share information, give opinions, and may create interest groups or pages leading to longer exchanges. Ultimately people use these sites and tools to build online communities and networks which encourage participation and engagement.

3. Social Media and Members

3.1 It is not a requirement for Members to have a Facebook or Twitter account or to use other forms of social media to fulfil their job as a member. However, if you are using or planning to use social media in connection with your work as a Councillor or are already using such media in your private capacity, these guidelines will be relevant. Remember that, whenever you act or appear to act in your official capacity, you must comply with the Code of Conduct.

3.2 social media can be used:

- To support councillors in performing their community leadership role.
- To stay connected with or obtain local views and opinions.
- For political campaigning.
- For campaigning on local issues.

3.3 Types of Social Media:

- Blogging and micro blogging – online journals – Twitter is an example of micro blogging, where entries are limited to 280 characters.

- Online Forums – people with similar interests sharing information and opinions
- Social networking sites – these facilitate connections between those who already know each other, often in a social context, but are increasingly used by businesses to promote their products or services- Facebook is an example.

4. Things to Bear in Mind

- Any communication is capable of being misinterpreted. While the use of social media should not be more susceptible to this problem than any other form of communication, something about the immediacy of social media seems to magnify the problem.
- By the nature of such media, misinterpretation, or misrepresentation, particularly with regard to something that is perceived as being more controversial than it was expected to be, is likely to lead to rapid and wide broadcasting of that apparently “controversial” item.
- There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a councillor – you just need to think about them in this new context – their immediacy and ease of dissemination.
- Although the best use of social media is conversational in tone, publishing to the internet is still publishing. What you have said online is recorded and it is permanent. Most pitfalls will be avoided if your online content is accurate, informative, and thought through. Think of it as speaking in public. Think before you commit each word.
- This does not mean that members cannot, in the appropriate context, communicate politically. This is expected of a councillor, but you should be careful not to say anything that you would not be comfortable repeating or justifying, for example, at a public meeting.

5. Some Legal Issues:

- Libel – If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on your website; you know about it and do not take swift action to remove it. A successful legal claim could result in the award of damages against you.

- Defamation – A complainant would need to prove that comments actually caused damage to a member's reputation. This may be very difficult to quantify, and generally, the council is unable to commit resources to an action for defamation by an individual or group of members but would provide supporting evidence to those wishing to take such action.

- Copyright – Placing images or text on your site / channel from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore, do not publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.

- Data Protection – Do not publish the personal data of individuals unless you have their express permission. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. If you place personal information on a public forum you should expect it to be published by others.

- Bias and Predetermination – if you participate in making planning, licensing, or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence, and were genuinely persuadable to a different view, otherwise, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result

of such an invalid decision, they may have a claim against the council for damages.

6. Social Media and the Code of Conduct for Members Generally:

- Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other communication you may use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than as a private individual. If you have a Facebook or Twitter account which includes your role as a councillor, you should keep this separate from your personal accounts or you risk being subject to the code of conduct.

- It can be presumed by others that you are speaking as a councillor. This can happen where you have a social media account where you comment both as a councillor and as an individual. Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others. This can also mean that your views can be taken as being those of your organisation or party (rather than you personally) when this may not be the case.

- The presumption can arise simply because you are commenting on council business, because you are known to be a councillor or refer to this.

- One way of avoiding this and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in a personal capacity. Another is to spell it out in the text (e.g. “speaking entirely personally...”). This is a decision for each member and some Members may find the convenience of having one account outweighs the advantages of separate accounts.

7. Relevant Elements of the Members’ Code of Conduct:

- You must treat others with respect - do not use social media to make personal attacks or indulge in rude, disrespectful, or offensive comments.
- You must comply with equality laws – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.

- You must not bully or harass anyone – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.
- You must not bring the council into disrepute – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of you or the Council.
- You must not disclose confidential information - you must not, in your use of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. Inadvertent leaks of the council's confidential information are more likely to take place when a councillor is using social media, rather than, say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate, conversational, off- the cuff nature of much social media communication. Members must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context.

8. Staying out of Trouble - Some Do's and Don'ts

8.1 Some Do's

- set appropriate privacy and security settings for your blog or networking site –especially if you have a private, non-political blog.
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views. Be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network.
- Consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries.

- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity.
- be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.
- feel able to make political points but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or comments on policy are less likely to be viewed as disrespect.

8.2 Some Don'ts

- Blog in haste, particularly in circumstances where your judgement might be impaired; for example, if you are tired or have consumed alcohol.
- post comments that you would not be prepared to make on paper or face to face.
- request or accept a Council employee or contractor providing services to the council as a “friend” on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn.)
- use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive, or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the council.
- publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families, friends, or others e.g. contractors, council staff as well as council related information.

- represent your personal views, or those of any political party or interest group you belong to, as being those of the council, on any social medium.
- browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal, or discriminatory.
- make conspicuous or excessive use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

9. General

9.1 The Council wishes to encourage Members' use of new technology, including social media. This guidance is intended to help Members use social media in a way that avoids legal and reputational risk.

9.2 The Town Clerk is happy to help Members by providing additional advice and guidance as appropriate.

10. Further Information

Local Government Association - Digital Councils